

# EXHIBIT

## J2

Declaration of Peter C. Salerno  
In Support of Defendant Yassin Kadi's Motion  
To Exclude the Testimony of Victor Comras

03 MDL 1570

July 31, 2023

YASSIN ABDULLAH KADI

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1 our country, that sometimes you don't donate only money for  
2 the charity, but you can donate shares; you can donate a  
3 building; you can donate project. This is -- this has been  
4 used. The system is being used. I think even the U.S.,  
5 you have this trust, I think.

6 So what we did is that we put Muwafaq as  
7 a shareholder, so when there is an income, this trust can  
8 support Muwafaq.

9 Q. All right. So two of your entities were  
10 owners or shareholders of Rowad: Muwafaq Foundation, which  
11 was really yours, and Loxhall, which is your company;  
12 correct?

13 A. Correct.

14 Q. One of the other shareholders was Wadi al  
15 Aqiq in Rowad; correct?

16 A. This is what I know later now. But at  
17 that time I didn't know that.

18 Q. How many shareholders were there in  
19 Rowad?

20 A. I don't know. Maybe four or five.

21 Q. Four or five?

22 A. Maybe.

23 Q. Two of them were yours. Muwafaq and  
24 Loxhall were --

25 A. Al Shamal Bank.

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1 Q. Shamal Bank, right.

2 A. I don't remember any other.

3 Q. Were you not aware at the time a company  
4 named Wadi al Aqiq was one of the shareholders?

5 A. No.

6 MR. MALONEY: I would like to mark this  
7 as the next exhibit, 22. It is Kadi 89841 through -- well,  
8 what's this front page? I'm sorry, 89842. And there are  
9 translations, that's why I was -- the translated pages  
10 aren't always marked, I think.

11 (Exhibit Number 22 marked for identification.)

12 BY MR. MALONEY:

13 Q. So if you turn to KADI89843.

14 A. Should I finish reading?

15 Q. You can do that.

16 Mr. Kadi, we have in this exhibit -- some  
17 of the documents are in Arabic; some appear to be English  
18 translations. I'll direct your attention to some specific  
19 points, okay?

20 A. Okay.

21 Q. So on page -- I think it's your fourth  
22 page there, but it's KADI 89843, which is a translation of  
23 KADI 89843, same Kadi Bates number. Do you see that?

24 A. This is it here?

25 Q. Yes.

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1 So I'm looking at the English.

2 A. Okay.

3 Q. And it appears to be a list of  
4 shareholders for Rowad; correct? Did I get that right?

5 A. Yes.

6 Q. Let me just read them off. The first is  
7 Al Shamal Islamic Bank. That's a shareholder. You already  
8 mentioned that.

9 A. Yes.

10 Q. The next one is the Modern Global  
11 Corporation, registered in Sudan; correct?

12 A. This is what is written, yes.

13 Q. The next one is the Sheikh Agriculture  
14 Corporation; correct?

15 A. Correct.

16 Q. The next one is the Sheikh Oil Presses;  
17 correct?

18 A. Okay. Yes.

19 Q. Number 5 is the Loxhall Corporation.  
20 That's your company; correct?

21 A. Correct.

22 Q. You already mentioned that one, right?

23 A. Correct.

24 Q. The next one is the Jandil Agriculture  
25 Corporation; correct?

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1 A. Correct.

2 Q. Number 7 is the Wadi Al Aqiq Corporation  
3 that I asked you about before; correct?

4 A. Correct.

5 Q. So in fact this document reflects that  
6 Wadi al Aqiq was a shareholder at Rowad, along with your  
7 two companies; correct?

8 A. Okay.

9 Q. The eighth one is the Muwafaq Charitable  
10 Organization. You mentioned that already; correct? Yes?

11 A. Yes. Yes.

12 Q. You have to say "yes" for the court  
13 reporter.

14 And the last one, Number 9, is the State  
15 of Darfur as a shareholder; correct?

16 A. Yes.

17 Q. And then, for each of those entities, if  
18 you look at the translation, there's a signature by  
19 somebody. Is your signature in there or somebody that was  
20 representing you?

21 MR. SALERNO: Objection. Compound.  
22 Form.

23 THE WITNESS: It's not my signature.

24 BY MR. MALONEY:

25 Q. Do you recognize who signed for Muwafaq

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1 or Loxhall?

2 A. For Loxhall, I think most probably  
3 Yassin Ahmed.

4 Q. Yassin Ahmed?

5 A. Uh-huh.

6 Q. What was his title there at Loxhall?

7 A. I told you that at one -- which is a  
8 partner with me in Sudan. So most probably, as far as  
9 I can remember, that he signs this paper. But for Muwafaq,  
10 I don't remember. I don't know the signature.

11 Q. Do you recognize the signature for Wadi  
12 al Aqiq as that of Osama bin Laden?

13 A. No.

14 Q. You have never seen his signature before?

15 A. Never.

16 Q. I'm directing your attention to the  
17 one -- it's a distinct signature. It's a circle with  
18 characters in the middle of it, the third --

19 A. Second?

20 Q. Yes, it's the third to last of the  
21 signatures there. That one (indicating).

22 A. Yeah, I don't know the signature.

23 Q. You don't know one way or the other if  
24 it's Osama bin Laden's; is that what you're saying?

25 A. I don't know.

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1 A. No.

2 Q. You don't understand?

3 A. What I understand, what I'm trying to  
4 say, I never saw this signature or never knew that this  
5 signature is Osama bin Laden.

6 Q. I got that part.

7 A. Okay.

8 Q. But now looking at the government  
9 documents that were seized from Osama bin Laden --

10 A. Which government? There's no government  
11 here.

12 Q. Yes, there is. There's the document that  
13 was seized from Osama bin Laden's compound. If you turn  
14 two pages later, there's a Government Exhibit document,  
15 also with a signature, Osama bin Laden's signature, there.  
16 It's in Arabic.

17 A. It doesn't say government. It doesn't  
18 say any government.

19 Q. Do you see where it says "Government  
20 Exhibit"? Do you see that?

21 A. Where's that?

22 MR. SALERNO: Objection. That doesn't  
23 make it a government document.

24 THE WITNESS: Okay. There is a  
25 Government Exhibit.



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1 BY MR. MALONEY:

2 Q. Okay. And the signature next to the  
3 Government Exhibit sticker --

4 A. But there is no Government Exhibit on  
5 this one (indicating).

6 Q. I agree. There's no Government Exhibit  
7 sticker on that one. I'm representing to you it was  
8 recovered from -- produced by the government from the  
9 Abbottabad seizure.

10 A. Do you want me to read it?

11 Q. You can read it if you want to. My  
12 question is one question.

13 A. Okay.

14 Q. Now that you've compared the signatures  
15 from the documents that the government produced that were  
16 signed by Osama bin Laden, it looks to be the same  
17 signature by bin Laden on the Rowad shareholders' list;  
18 correct?

19 MR. SALERNO: Objection. Foundation.  
20 He's not a handwriting expert. You can't prove that it's  
21 Osama bin Laden by --

22 MR. MALONEY: No speaking objections,  
23 please.

24 BY MR. MALONEY:

25 Q. You understand my question, right?



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1 A. I'm sorry. Say it again please.

2 Q. Now that you've looked at and compared  
3 those signatures, do they look to be the same signatures --  
4 the ones recovered from Abbottabad, Pakistan, and the one  
5 you see on the Rowan document?

6 A. I don't know if this is Osama bin Laden's  
7 signature or not. I don't know. Now, if a government says  
8 this is Osama bin Laden, this is the government saying it  
9 is Osama.

10 Q. Right.

11 A. And this, seems to me, is a will.

12 Q. Correct.

13 A. Very quickly reading it, he's saying that  
14 my money give to this, give to that. This is my parent;  
15 this is my sister; this is my brother.

16 Q. He actually mentions Wadi al Aqiq  
17 company, doesn't he?

18 A. I didn't read that. Let me see.

19 Q. About halfway down.

20 A. Yeah, there is a mention of Wadi al Aqiq.

21 Q. I think I'm done with that document.

22 A. But just one important point. There was  
23 not my signature --

24 Q. I know, you've told us that.

25 A. -- in Wadi al Aqiq. This shows that

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1 I was not in that meeting.

2 Q. I understand. You said it was one of  
3 your representatives for Loxhall and for Muwafaq that was  
4 there and signed it.

5 A. Okay. Finished with this?

6 Q. I think so.

7 Yassin Ali we talked about a few minutes  
8 ago, am I correct he was on the board of directors for  
9 you -- or not for you, but for Rowad?

10 A. He's a board member?

11 Q. Yes.

12 A. Could be. Could be.

13 Q. When you say "could be"?

14 A. I'm not sure. I don't remember. But  
15 that's a possibility, because we are having shares in the  
16 company that we appoint somebody. So most probably it will  
17 be Yassin Ahmed.

18 Q. When you say "we," would you get a vote  
19 on that, who to appoint -- since you're a two-time  
20 shareholder essentially? Two of the nine shareholders are  
21 really you; correct?

22 A. In Arabic sometimes we use "you" for one  
23 person. Like it is okay in Arabic to say "we," and I only  
24 meant myself. Nothing strange about that.

25 Q. But of the nine shareholders, I would

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1                   A.    If they recommended that, I will most  
2   probably agree with it.

3                   Q.    Well, did they give you a reason?

4                   A.    I think these companies have a kind of a  
5   tax shelter or tax benefit.

6                   Q.    Okay.

7                   A.    I think this is the main reason.

8                   Q.    So you started that company. And did  
9   you have any partners in that company, Solano?

10                  A.    I think Yassin Ahmed was a partner.

11                  Q.    He is also known as Yassin Ali?

12                  A.    I think we are speaking about the same  
13   person.

14                  Q.    Okay. He's the guy that also worked for  
15   Rowad Development, the one in the early '90s?

16                  A.    Correct.

17                  Q.    So in October 1999 Solano sends \$900,000  
18   to Al Shamal Bank. What was the purpose of that, sending  
19   that money to the Bank Al Shamal?

20                  A.    I don't remember. Could be for the  
21   sesame or -- I don't remember.

22                  Q.    According to what you told the Swiss  
23   Banking Authorities, you then sent, from the Shamal Bank in  
24   Sudan, the money to Farmers Bank in the Sudan to pay sesame  
25   farmers.

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1 Does that refresh your recollection what  
2 you did?

3 A. Say it again.

4 Q. The farmers -- let me give you the full  
5 name of that.

6 A. We send what exactly? I'm not clear.  
7 From where we send?

8 Q. You sent -- from Solano -- sent  
9 \$900,000 --

10 A. How much?

11 Q. 900,000.

12 A. 900,000.

13 Q. -- to the Farmers Bank in Sudan. Let me  
14 just find the full name for the Farmers Bank. Farmers  
15 Commercial. Do you remember sending money to bank accounts  
16 in Farmers Bank for investment world development in Sudan?

17 A. I don't remember Farmer Bank. Does it  
18 says what we did do with Farmer Bank?

19 Q. Well, according to what you told the  
20 Swiss authorities, it was to pay sesame farmers.

21 A. Yes, could be. Farmer Bank, it makes  
22 sense. To pay to -- it could be. Just a moment, I'm  
23 trying to find a document.

24 Q. That's okay. I just want to show you a  
25 document that I found.

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1 (Exhibit No. 24 marked for identification.)

2 MR. MALONEY: This will be Exhibit 24.

3 It is going to be Kadi 11895, and the two pages with it are  
4 not -- I don't have a Bates number on them, but they're  
5 attached to it.

6 THE WITNESS: The other pages are only in  
7 English.

8 BY MR. MALONEY:

9 Q. I know.

10 A. But that's fine.

11 MR. SALERNO: We don't have our copies  
12 yet.

13 MR. MALONEY: I'm getting them to you.

14 On the original that we just marked,  
15 which Mr. Kadi has, the second two pages have the Bates  
16 number cut off, but we just put them on.

17 THE WITNESS: This one?

18 BY MR. MALONEY:

19 Q. If you could give that back to me, I'll  
20 just put the Bates number on it. I don't know why when  
21 I printed it out it didn't...

22 MR. MALONEY: The second page is Kadi  
23 what? The one I just wrote?

24 MR. SALERNO: 13588, it says  
25 "Interrogation of an Accused Person" at the head. 13567 is

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1 the transcript, I think.

2 MR. MALONEY: I think you reversed them.

3 MR. SALERNO: I didn't reverse them.

4 BY MR. MALONEY:

5 Q. So if you take a look at Exhibit 24,  
6 I believe that's the \$900,000 transfer that Solano made to  
7 Al Shamal Bank.

8 A. Okay.

9 Q. That we were just talking about.

10 A. All right.

11 Q. And the date -- do you see the date on  
12 there? I don't have an extra copy for myself.

13 A. I don't see the date.

14 Q. There's a fax transmission October 3,  
15 1999?

16 A. 3 October, 1999. Uh-huh.

17 Q. Then if you turn to the next page, that's  
18 part of -- I just put the cover sheet in -- your  
19 interrogation by the Swiss investigators, Swiss banking  
20 investigators, if you see that?

21 A. Okay.

22 Q. Then the third part is your answers to  
23 some questions.

24 A. Okay.

25 Q. And if you go down to the last big



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1 paragraph, it says you transferred the money to Al Shamal  
2 Bank, and then the bank gives the money to the Farmer  
3 Bank --

4 A. Wait. Wait. What does it say? Where?

5 Q. Line 18.

6 A. Solano Company, which has an account in  
7 the Faisal Finance, Geneva, and in the Shamal Bank,  
8 Murabaha. The bank gives the money to the Farmer Bank to  
9 give to the farmers who grows sesame.

10 Q. Were you aware that the Farmers Bank for  
11 Investment, Rowad Development, was designated as a  
12 prohibited entity by the U.S. Treasury Department, May 26,  
13 1998, more than a year before this transaction?

14 A. No.

15 Q. Had you known that, would you have sent  
16 the money to the Farmers Bank?

17 A. You mean if they are designated?

18 Q. Yes.

19 A. Of course not.

20 Q. So you're saying you didn't know, you  
21 didn't see any media, no one at the bank told you?

22 A. No, I didn't know that Farmer Bank is  
23 being listed and whatever.

24 Q. I'm done with that.

25



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1 Q. Prior to that, prior to hiring hi, where  
2 did he do his relief work?

3 A. In Afghanistan.

4 Q. In Afghanistan. Okay. Was that in the  
5 '80s or '90s?

6 A. I don't know. It could be the 1980s.

7 Q. Do you know if he knew Osama bin Laden?

8 A. No.

9 Q. By the way, you visited Afghanistan and  
10 Pakistan with your uncle, correct?

11 A. Yes.

12 Q. Which uncle was that and when did you go?

13 A. Dr. Hamid Omar Zubeir.

14 Q. When did you go to Afghanistan?

15 A. The first time? Most probably it would  
16 be in the '90s.

17 Q. Early '90s?

18 A. I think so. Sometimes the dates will not  
19 come correctly.

20 Q. You said the first time. Did you go  
21 again?

22 A. In Pakistan and Afghanistan?

23 Q. Yes. When did you go again?

24 A. That's very difficult to say. Between  
25 the visit and the visit, maybe six months or something.

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1 Q. I'm trying to find out: Was it the early  
2 '90s, mid '90s, late '90s?

3 A. When the Soviet pulled out from  
4 Afghanistan.

5 Q. '88 or '89?

6 A. So it's before that.

7 Q. So you went to Afghanistan while the  
8 Soviets were still there? The war was still going on when  
9 you went?

10 A. Uh-huh.

11 Q. The Soviet War in Afghanistan was still  
12 going on when you went the first time?

13 A. I think so.

14 Q. Why did you go during the war?

15 A. There was a delegation, a committee  
16 headed by my uncle, to mediate between the Mujahideen  
17 factions. There was a problem between each others. So  
18 we went there hoping that we can bring them together.

19 Q. Did you ever meet Osama bin Laden when  
20 you were in Afghanistan in those days?

21 A. I think so. I met him. Not in the guest  
22 house. I met him here.

23 Q. In Afghanistan?

24 A. In Afghanistan, yes.

25 Q. During the Soviet occupation?

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1 A. Huh?

2 Q. During the Soviet occupation or after?

3 A. That's very difficult to answer. Trying  
4 to refresh my memory, but...

5 Q. How about Mr. Ayadi, who you mentioned a  
6 minute ago. Did you meet him in Afghanistan?

7 A. No.

8 Q. Did you know he had been designated as a  
9 globally designated terrorist?

10 A. After me he was designated, yes. But  
11 he's off the list.

12 Q. What is Al-Haramain Al-Masjed Al-Aqsa?

13 A. That's a humanitarian which work in  
14 Bosnia, really.

15 Q. Why did you have that if you already had  
16 Muwafaq in --

17 A. I tell you. It was headed by Mr. Mahmoud  
18 Taber. Mahmoud Taber is my relative. His son is taking my  
19 sister daughter. And they have this school, big school for  
20 infants in Bosnia, which they were building. And he asked  
21 me to join him. Because I have something also in Bosnia,  
22 and I can go to Bosnia easily with him. He's my relative.  
23 So he told me -- he invited me to join, and I accepted.

24 Q. So it was Mahmoud Taber, a relative of  
25 yours? Your uncle?

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1                   A.    Mahmoud Taber.  Not uncle.  His son  
2    married my sister daughter.

3                   Q.    And Hussein Jiffry?  Was he also part  
4    of --

5                   A.    I think Hussein Jiffry, was part of it,  
6    yes.

7                   Q.    You were all officers of this charity,  
8    correct?

9                   A.    Uh-huh.

10                  Q.    The charity was then listed as a terror  
11   charity?

12                  A.    This was after I was.  After OFAC sat  
13   with me.  Seems anything was related to me was designated  
14   at that time.

15                  Q.    We're going to get to that later.

16                               Why did you appoint Ayadi as President of  
17   the bank didn't -- he had no banking background, finances?

18                  A.    Okay.  A couple of reasons.  First of  
19   all, in Bosnia at that time the law will not accept a bank  
20   license to be owned by a foreigner.  He have to be Bosnian.  
21   At that time the Bosnian gave -- Bosnian Government gave  
22   Ayadi, Chafiq Ayadi, the Bosnian nationality for his hard  
23   work for Bosnian people, because he was trusted person for  
24   me, and because he have the Bosnian nationality and he  
25   brought this opportunity, then we will put him in the

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1                   A.    Let me explain first. For KBM this is  
2   not a lot of money. He is making donations here and there  
3   for millions of dollars. The thing which I remember that  
4   they bought clothes, shoes, food items.

5                   Q.    Is that what he told you or were you  
6   there? Did you see it? Did you look at invoices, receipts  
7   or purchase orders, any of that stuff? Because I haven't  
8   seen that?

9                   A.    Mainly he told me.

10                  Q.    Okay?

11                  A.    And I trust him.

12                  Q.    So you never really knew what he did with  
13   the money except for what he told you verbally?

14                  A.    And it I trust what he say verbally.

15                  Q.    So the answer is "Yes"?

16                  A.    Yes, I trust whatever he told me  
17   verbally.

18                  Q.    I want to ask you about Maram Travel.  
19   The full name is Maram Travel Import Export Company  
20   Limited, also known as Maram Tourism. Are you familiar  
21   with that company in Turkey?

22                  A.    Not. I heard about it lately, but  
23   I didn't know about it then.

24                  Q.    The complete name is Maram Seyahat Al  
25   Ticaret Limited. I know that that was a terrible

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1 pronunciation. But same question, have you heard of that  
2 company?

3 A. Maram?

4 Q. Yes.

5 A. No.

6 Q. Do you know who Mahmdou Mahmud Salim is?

7 A. No.

8 Q. Never heard of him?

9 A. Is no.

10 Q. How about Mohamed Bayazid?

11 A. No.

12 Q. Never heard of him?

13 A. I don't know anything. So you had.

14 Q. So you had a company -- I think  
15 we already covered a little of this, called Karavan?

16 A. Uh-huh.

17 Q. What was that company again and what was  
18 it's business?

19 A. There's more than one Karavan. So this  
20 is which Karavan? Turkish Karavan or --

21 Q. Tell me how many Caravans you had first?

22 A. Karavan name is very nice also. I think  
23 we have more than one company under Karavan.

24 Q. What are their names?

25 A. Karavan.



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1 we work together for a long time.

2 Q. In February 1998 did you discussion with  
3 Wael Julaidan a business investment that he was making --

4 A. In where?

5 Q. The business investment that he was  
6 making to build pre-fabricated barrack-style student  
7 housing at Al EMAN university in Yemen?

8 A. Yes.

9 Q. Tell me about that project --

10 A. Okay.

11 Q. -- and what you did.

12 A. My uncle was the President of King  
13 Abdulaziz University.

14 Q. Which uncle was this?

15 A. Mohammed Omar Zubeir.

16 On the other side, Zindani,  
17 Sheikh Zindani, was also the head of Al Eman University in  
18 Yemen. My uncle know Sheikh Zindani for years and years  
19 because he was in Mecca -- he was in King Abdulaziz  
20 University. They were very well friend. My uncle came to  
21 me and asked if we can help provide the residential units  
22 as the housing for the students and the doctors. And this  
23 is what we did.

24 Q. So your uncle came to you to ask if you  
25 would donate money for that project; correct?



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1                   A.    He asked me to donate some money for that  
2    project.

3                   Q.    Why does Wael Julaidan get involved in  
4    that project?

5                   A.    Well, the problem is, in Yemen, if you  
6    give them the money, they cannot do such a project. They  
7    cannot negotiate or supervise or deal or whatever.  
8    Wael Julaidan came, with my uncle recommendation also, that  
9    he had experience in these things. Most probably he did  
10   these things in Afghanistan before.

11                  Q.    Building houses?

12                  A.    Maybe. Maybe.

13                  Q.    Maybe?

14                  A.    Maybe.

15                  Q.    Well, you gave him a lot of money --

16                  A.    No. No. In Yemen he build, of course.

17                  Q.    I want to stick with Yemen, but -- here's  
18   the first question.

19                  A.    Okay.

20                  Q.    Your uncle came to you to ask you to  
21   donate money to build the housing at the university in  
22   Yemen?

23                  A.    Exactly.

24                  Q.    Why don't you just give the money  
25   directly to your uncle or directly to the university?

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1 A. They cannot do it.

2 Q. Why not?

3 A. They don't have the skills or  
4 professionalism to do the project.

5 Q. Well, it's money to buy -- to enter into  
6 with a contract with a contractor to build the housing.

7 A. No, no. There have to be a supervision  
8 in several phases which happen: to order, to look at a  
9 building, to assemble, to present it, to assemble it again.  
10 You need to send engineers and workers to Yemen to assemble  
11 this.

12 Q. Right. This is not your bailiwick. Do  
13 you understand that word "bailiwick." This is the not  
14 something that you know much about in terms of building  
15 housing. You left it to others who were experts in that  
16 field.

17 MR. SALERNO: Is that a question?

18 THE WITNESS: No, I have a reasonable  
19 expert in such things.

20 BY MR. MALONEY:

21 Q. All right. Well, let me go back to my  
22 original question then. If the university needed housing,  
23 why not send the money the university, let them hire the  
24 contractor to come in and build the housing?

25 A. They cannot do it. This is my -- they

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1 cannot do it. This is not a Harvard. It's a small  
2 university. It's in the mountains. They don't have  
3 this -- they cannot do it.

4 Q. You gave the money to Mr. Julaidan to do  
5 it?

6 A. Right.

7 Q. When you sent it to Mr. Julaidan, was it  
8 to him personally or to one of his companies?

9 A. Maybe to his company.

10 Q. Did you send it to his companies in  
11 Turkey or Switzerland? Do you remember?

12 A. No, I think we send the money in Turkey,  
13 I think.

14 Q. I have information that from  
15 September 1997 through June of 1998, through a series of  
16 bank transfers you sent Mr. Julaidan over a million  
17 dollars, through Faisal Finance accounts in Switzerland and  
18 Turkey.

19 A. To Turkey, yes.

20 Q. Is that for this project?

21 A. Yes. I think so. Yes.

22 Q. Where did does this money come from? Is  
23 it your personal money? Who's money is it?

24 A. Part of it. I think what I do sometimes,  
25 I donate a smaller piece than KBM.

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1 Q. So some of the money was from you, some  
2 of it was from KBM?

3 A. Correct.

4 Q. When you do that, do you have to clear it  
5 with KBM? Do you have to call him and say I want to send  
6 money to build student housing in Yemen?

7 A. Well, the way we work together, that we  
8 meet from time to time and we clear things up. But I will  
9 not pick up the phone and say "Yes," "No."

10 Q. So you don't clear every day-to-day  
11 decision to send money with KBM, but later on you might  
12 tell him what you have been doing in the last few of  
13 months?

14 A. As we have meetings, I bring the details.

15 Q. Verbally?

16 A. Hmm?

17 Q. A verbal conversation?

18 A. Sometimes I give him reports.

19 Q. A written report?

20 A. A written report.

21 Q. Did you give him a written report for  
22 this project?

23 A. I don't know. I don't remember. But  
24 I know that he will love this because this project was in  
25 Yemen and he originally comes from Yemen. So to do

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1 Swiss interrogation report that is now before you as  
2 Exhibit 28, you said: "Once he" -- that's referring to  
3 Julaidan -- "came back from Afghanistan, according to my  
4 knowledge in the early '90s, I asked him several times the  
5 question about his potential relations with Osama bin  
6 Laden. He answered 'No', saying that he was completely  
7 against the new line chosen by Osama bin Laden." I'll read  
8 the next sentence -- "and this is a terrorist line and he  
9 doesn't want to support that line. And the reason I asked  
10 him those questions several times is that I didn't want to  
11 work with someone having anything to do with terrorism."

12 A. Okay.

13 Q. Did you say that to the Swiss police?

14 A. I believe, yes.

15 Q. So the first question I have is does that  
16 refresh your recollection that you knew by the early '90s  
17 that Osama bin Laden had taken a new line and that he was a  
18 terrorist?

19 A. It could be. But it could also be that  
20 I am very bad in dates. I make a lot of mistakes when I  
21 put dates. But most probably, yes.

22 Q. Okay. So by the early '90s you knew that  
23 Osama bin Laden had taken this new line and was a  
24 terrorist. Now, why did you ask Mr Julaidan more than one  
25 time? You trusted this man, you asked him "several times"



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1 the same question.

2 A. I'm trying to remember. At one stage  
3 Osama bin Laden turned to be a fanatic. Okay? This is  
4 where me and Wael -- I asked Wael carefully, "we don't want  
5 to be attached to fanatics." Mr. Wael knows him for years.  
6 And he dealt with him in different things. That's public  
7 information. I think I want to make sure, to emphasize the  
8 questions more than once to make sure that there is no  
9 misunderstanding or something change or whatever. I want  
10 to make sure that Wael has disconnect himself completely  
11 from bin Laden.

12 Q. So I take it you asked him several times  
13 over some time period that you were working with him?

14 A. Yeah, could be.

15 Q. And you said you trusted him?

16 A. Wael?

17 Q. Yes, Wael Julaidan. You trusted him;  
18 correct?

19 A. I trusted him, yeah.

20 Q. So after you asked him the first time,  
21 did you expect him to tell you the truth? I'm just curious  
22 why you kept asking him over time.

23 A. I expect he was saying the truth.

24 Q. Why did you need to ask him more than  
25 once?

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1                   A.    I told you. Wael knew Osama from very  
2   long time and he was very well connected to him at one  
3   stage. I just want to have the confidence for myself that  
4   Wael has left bin Laden --

5                   Q.    You sounded like you were --

6                   A.    -- so I might ask him several times.

7                   Q.    You sounded like you were concerned,  
8   that's why you kept asking him again, to make sure;  
9   correct?

10                  A.    I think it's natural for something like  
11   that to be repeatedly asked. To make sure that you have no  
12   connection with bin Laden. But, like you said, I trust  
13   him.

14                  Q.    Right. But you were concerned about his  
15   relationship with Osama bin Laden, and that's why you  
16   wanted to be reassured; fair?

17                  A.    I'm not sure if I was concerned or I just  
18   want to confirm.

19                  Q.    Confirm. Concern. So you weren't  
20   concerned, you just wanted to confirm multiple times?

21                  A.    To confirm multiple times. I trusted  
22   Wael, yes, very clearly.

23                  Q.    So you had no concerns, but you just  
24   asked him multiple times, is that what you're saying?

25                  A.    I believe Wael when he said that he



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1 distance himself from Osama bin Laden. There is nothing  
2 would suggest for me he is lying or not saying the truth.

3 Q. Okay.

4 (Exhibit No. 29 marked for identification.)

5 MR. MALONEY: I want to show you  
6 Exhibit 29.

7 (To Mr. Fawcett) I'm going to give you  
8 this, Peter.

9 It is Kadi04271 and 04272. It is  
10 entitled Submission of Yassin Abdullah Kadi to the Deputy  
11 Attorney General of Switzerland, Mr Claud Nicati, Further  
12 to the Meeting at the Swiss Embassy in Riyadh on 1 July  
13 2003."

14 BY MR. MALONEY:

15 Q. Did you submit that to the Swiss  
16 investigators?

17 A. Submit this?

18 Q. Yes.

19 A. I think we were answering their  
20 questions. I think they wrote it.

21 Q. Well, what I want to know is is that a  
22 document that you, with your lawyers, submitted to the  
23 Swiss investigators after the July 1, 2003, interrogation  
24 by the Swiss?

25 A. Yes, I think so.

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1 business you owned, something called "K-A Stan," KA Stan?

2 A. I gave him shares in KA Stan, yes.

3 Q. Are you aware that OFAC's treasury  
4 record, which you hold in front of you, Exhibit 31, states  
5 that OFAC found evidence exists that you transferred  
6 1.25 million from the account of one of your businesses,  
7 Karavan, directly to a Specially Designated Global  
8 Terrorist, Wael Julaidan?

9 A. Could be.

10 Q. You spoke about that with Mr. Maloney  
11 earlier?

12 A. Sorry?

13 Q. You spoke about the transfer earlier;  
14 right?

15 A. Yes.

16 Q. Why was it that you looked to  
17 Mr. Julaidan for advice on hiring?

18 A. First of all, I know the family.  
19 Well-known family in Saudi Arabia, especially in Haygarth  
20 area. They are conducting business. They are...

21 The second thing, Wael Julaidan was,  
22 I think, very early in Afghanistan, in early period after  
23 the Russian invade Afghanistan. People -- our people, the  
24 people in Jeddah or even in Saudi Arabia, start knowing  
25 Wael Julaidan as an important figure for helping the

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1     Afghani cause. It was well known.

2                     Q.     Would you agree with me that  
3     Mr. Julaidan -- would it be correct to characterize it that  
4     Mr. Julaidan had a pedigree in the area of organizations  
5     like Muwafaq --

6                     A.     Had what?

7                     Q.     Had a pedigree, had a substantial amount  
8     of experience and involvement with humanitarian relief  
9     work?

10                    A.     Yes.

11                    Q.     And that that work stretches back into  
12     the area of the Afghan conflict; right?

13                    A.     Around.

14                    Q.     If we look at this page 1949, which  
15     I think is the one you're on?

16                    A.     Page what?

17                    Q.     The page that end in Bates 1949. If  
18     we look at the next sentence or the end of the sentence  
19     that we were looking at, it says: "Julaidan is well known  
20     for his humanitarian relief work for the Afghan refugees  
21     during the Soviet occupation of Afghanistan in the 1980s."

22                             Is that a correct statement?

23                    A.     Yeah, I think so. Yes.

24                    Q.     Were you aware that the entities that  
25     Julaidan worked with were related to supporting the

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1 Mujahideen in the Afghan conflict?

2 A. Related?

3 Q. Yes.

4 A. He was at that time the general manager  
5 of the Red Crescent, which is a Saudi entity. Their basic  
6 works was humanitarian. Maybe they made clinics also.  
7 This was his work.

8 Q. I'm not sure I understood the answer.

9 Did the work that Mr. Julaidan performed  
10 in Afghanistan with regard to the relief work, did it  
11 involve aid to the Mujahideen?

12 A. I don't know. It might be that these  
13 factions of Mujahideen, like they have -- they want have  
14 his own refugee camp or things like that. So he might work  
15 with them through that. Yeah, I think that -- you see,  
16 there is different regions in Afghanistan. One area is  
17 Pashtun, another area was Urbani (phonetic) rule. So he  
18 might be helping, Wael, here and there -- and other places.

19 Q. Would you agree that it was well known  
20 that Mr. Julaidan is a long-time associate with Osama bin  
21 Laden?

22 A. He's a friend of Osama bin Laden, yes.

23 Q. Was it also well-known that he fought  
24 with bin Laden in Afghan in the 1980s?

25 A. Fought? What do you mean "fought"?